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C O N F I D E N T I A L SECTION 01 OF 02 ABUJA 001854

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DOE FOR CAROLYN GAY

E.O. 12958: DECL: 08/20/2017

TAGS: PGOV PINR KDEM KJUS NI

SUBJECT: NIGERIA: ATIKA SPOKESMAN MEETS WITH CONGRESSMAN PAYNE

REF: A. LAGOS 591

1B. ABUJA 1817

Classified By: CDA Robert Gribbin for reasons 1.4 (b & d).

11. (C) SUMMARY: At an August 20 meeting with HIRC Africa Subcommittee Chair Donald Payne, former Vice President Atiku Abubakar's spokesman Garba Shehu reproached the U.S. government for not stepping in to resolve Nigeria's electoral crisis and failing to censure Yar'Adua's administration for what he believed were electoral frauds perpetrated by the PDP. The USG's inability to rein in the PDP, Shehu stated, has helped weaken democracy and disenfranchise average Nigerians. Shehu said that Nigeria is "sitting on a time bomb" since most Nigerians are angered at being denied the right to elect their leaders. He cautioned that the absence of public criticism of the elections did not equate to a lack of resentment or anger. Further, while Shehu contended the judiciary appears increasingly independent, he bemoaned that the legislature is "full of crooks and convicts." Both Atiku and Buhari have expressed frustration with the tribunals, claiming they have been unwilling to compel INEC to hand over documents and tacitly allowed the respondents to delay proceedings. In contrast, the petitioners are emboldened by the Supreme Court's presumed independence and willingness to dispense justice. END SUMMARY.

12. (SBU) HIRC Africa Subcommittee Chair Donald Payne met with Garba Shehu, spokesman for former Vice President Atiku Abubakar, on August 20 to discuss the April elections and Atiku's petition at the presidential election tribunal. Payne was accompanied by the Charge d'Affaires, Congressional Research Service Professional Staffer Ted Dagne, PolCouns, and PolOff (notetaker). After noting the strong bilateral relationship between Nigeria and the United States, Congressman Payne voiced concern over the conduct of the April 2007 elections, underscored the need for the Nigerian people to be outspoken in their criticism of the elections, and assured Shehu of continuing USG pressure on the Yar'Adua administration to pursue electoral reform.

13. (C) Shehu concurred that the electoral process demands reform, but reproached the USG for not stepping in to resolve Nigeria's electoral crisis. He said that while the USG insisted on fair and credible elections, following the elections the USG was silent and failed to censure the new Nigerian administration for what he believed were electoral frauds perpetrated by the PDP. He said elections did not

take place in most of the country since election materials were delivered to fewer than 50% of polling stations nation-wide. Shehu also averred that INEC, Obasanjo, and the security services colluded to falsify result sheets and "hijack" the elections. As a result of being "rigged into office," Shehu opined, Yar'Adua lacks legitimacy. Nigeria is "sitting on a time bomb," Shehu said, since most Nigerians feel their right to elect their leaders was denied. The USG's failure to rein in the PDP, Shehu stated, has helped to further disenfranchise and diminish the salience of democracy for average Nigerians.

¶4. (C) When asked what Atiku sought in his petition at the election tribunal, Shehu said the electoral law clearly states that, since elections were not free and fair, fresh elections must be held. Were Yar'Adua to win "honestly" at that point, Shehu said, Atiku would concede and Yar'Adua would enjoy the moral high ground and satisfaction of knowing he was not a "reject." Congressman Payne expressed optimism that recent Supreme Court rulings and the rejection of Obasanjo's third-term amendment by the National Assembly portend a strong judiciary and legislature in Nigeria. While Shehu agreed the judiciary appears increasingly independent, he bemoaned that the legislature is "full of crooks and convicts, ex- and serving." He believes Atiku's petition is "iron-clad." Further, he remains hopeful the Supreme Court will rule in Atiku's favor and not be swayed by politics.

¶5. (C) Congressman Payne asked what accounted for the shortage of outspoken criticism of the elections by the Nigerian people. Shehu stated the weakness of public protests did not equate to a lack of resentment or anger. A culture of nihilism supported by a pervasive sentiment of submission to divine will, Shehu explained, has "forced

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Nigerians to accept that God is responsible" for electing Yar'Adua. Shehu also believed there is no culture of resistance in Nigeria because freedom of speech and association are only nominally respected by the police and military.

¶6. (C) COMMENT: Garba Shehu also served as Atiku's Media Relations Special Assistant until Obasanjo sacked him in 2006. The attorneys for both Atiku and Buhari have expressed frustration with the tribunals, claiming they have been unwilling to compel INEC to hand over documents and allowed the respondents to tacitly delay proceedings excessively. In contrast, the lawyers are emboldened by the Supreme Court's presumed independence and willingness to dispense justice. According to National Secretary of the Buhari Organization Abubakar Galadima (who spoke with Rep. Payne at an August 19 reception), Chief Justice Idris Kutigi remains the country's only "incorruptible" judge. Buhari's lead counsel, Mike Ahamba, told PolOff on August 23 that he has already filed two cases at the Supreme Court to counter the extensions filed at the tribunal by INEC and the Inspector General of Police. Ahamba maintained the tribunals have demonstrated partisanship by failing to compel Yar'Adua to file a response (which was due August 20). Moreover, the August 13 tribunal decision to allow Obasanjo to be served through Nigerian daily "This Day" appears unusual, Ahamba said, and indicates the tribunals' lack of seriousness. It also likely connotes the tribunals' fear of confronting Obasanjo. END COMMENT.

¶7. (U) This cable was cleared by Congressman Payne.
GRIBBIN